

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Cynthia Rollings <CRollings@BLHNY.com>

**Sent:** Wednesday, May 12, 2021 6:33 PM

**To:** Butler, Wendy C. <wbutler@JonesDay.com>

**Cc:** Luna Droubi <LDroubi@BLHNY.com>; Elizabeth Leader <eleader@BLHNY.COM>; Cynthia Rollings <CRollings@BLHNY.com>

**Subject:** Re: Fred Mogul- service

Wendy-

Taking you up on your agreement to "accept service by mail pursuant to the attached CPLR section (CPLR 312-a), which contemplates that you would mail an acknowledgment form to me, which I would return to you. You could actually just send this form to me by email if it is easiest", we forward herewith the 312-a Statement of Service by Mail (including your expressed agreement to accept such service and to sign and return the completed Acknowledgement form in a timely manner) and Acknowledgement of Receipt, together with the Summons with Notice, Notice of Electronic Filing and Confirmation Notice. Our paralegal is prepared to mail hard copies of these documents to you tomorrow at 250 Vesey Street, New York, NY 10281 unless you give us a different address. Any issue with this, let us know.

Cynthia

Cynthia Rollings

Beldock Levine & Hoffman LLP

99 Park Avenue

26<sup>th</sup> floor/PH

New York, NY 10016

212 490-0400 main

212 277-5813 direct

917 453-8135 cell

212 277-5880 fax

[crollings@blhny.com](mailto:crollings@blhny.com) | [www.blhny.com](http://www.blhny.com)

This e-mail communication may contain confidential material protected by the attorney-client privilege. If not the intended recipient, you have received this in error and use, dissemination, or copying is prohibited. Please delete and immediately notify the sender. [IRS Circular 230 Disclosure](#): To comply with IRS requirements, we inform you that any tax advice contained herein, including attachments, is not intended and cannot be used by a taxpayer to (i) avoid tax penalties or (ii) promote, market or recommend a transaction or matter to another person.

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**From:** Butler, Wendy C. <[wbutler@JonesDay.com](mailto:wbutler@JonesDay.com)>

**Sent:** Monday, May 10, 2021 3:29 PM

**To:** Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>

**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>

**Subject:** RE: Fred Mogul

Cynthia - It would be easiest to talk by phone, because I have a number of service-related questions, but in the meantime I can relay some information by email. First, I can accept service by mail pursuant to the attached CPLR section (CPLR 312-a), which contemplates that you would mail an acknowledgment form to me, which I would return to you. You could actually just send this form to me by email if it is easiest. If you prefer to use personal service, I am not sure if the CPLR authorizes me to accept personal service. But I am happy to talk through options (perhaps you can set me straight on the CPLR) and could certainly coordinate personal service on NYPR (to ensure someone is there to accept service at an agreed-upon time). I would also like to talk through your plans for serving Audrey.

Wendy Butler

Partner

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

250 Vesey Street

New York, New York 10281-1047

Office +1.212.326.7822

Cell +1.347.756.2522

---

**From:** Butler, Wendy C.

**Sent:** Monday, May 10, 2021 2:59 PM

**To:** 'Cynthia Rollings' <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>

**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>

**Subject:** RE: Fred Mogul

Cynthia- Sorry, been on calls all day. I am free now if you want to call my cell. It may be easier to talk through.

Wendy Butler

Partner

**JONES DAY® - One Firm Worldwide<sup>SM</sup>**

250 Vesey Street  
New York, New York 10281-1047  
Office +1.212.326.7822  
Cell +1.347.756.2522

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**From:** Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>  
**Sent:** Monday, May 10, 2021 2:57 PM  
**To:** Butler, Wendy C. <[wbutler@JonesDay.com](mailto:wbutler@JonesDay.com)>  
**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>; Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>  
**Subject:** Re: Fred Mogul

**\*\* External mail \*\***

Wendy-

Are you planning to get back to us on this this?

Cynthia

Cynthia Rollings

Beldock Levine & Hoffman LLP

99 Park Avenue

26<sup>th</sup> floor/PH

New York, NY 10016

212 490-0400 main

212 277-5813 direct

917 453-8135 cell

212 277-5880 fax

[crollings@blhny.com](mailto:crollings@blhny.com) | [www.blhny.com](http://www.blhny.com)

This e-mail communication may contain confidential material protected by the attorney-client privilege. If not the intended recipient, you have received this in error and use, dissemination, or copying is prohibited. Please delete and immediately notify the sender. [IRS Circular 230 Disclosure](#): To comply with IRS requirements, we inform you that any tax advice contained herein, including attachments, is not intended and cannot be used by a taxpayer to (i) avoid tax penalties or (ii) promote, market or recommend a transaction or matter to another person.

**From:** Butler, Wendy C. <[wbutler@JonesDay.com](mailto:wbutler@JonesDay.com)>  
**Sent:** Friday, May 7, 2021 4:01 PM  
**To:** Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>  
**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>  
**Subject:** RE: Fred Mogul

Okay. Let me check and get back to you.

Wendy Butler  
Partner  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
250 Vesey Street  
New York, New York 10281-1047  
Office +1.212.326.7822  
Cell +1.347.756.2522

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**From:** Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>  
**Sent:** Friday, May 7, 2021 3:26 PM  
**To:** Butler, Wendy C. <[wbutler@JonesDay.com](mailto:wbutler@JonesDay.com)>  
**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>  
**Subject:** Re: Fred Mogul

**\*\* External mail \*\***

We're prepared to serve hard copies of papers by hand to your office with acknowledgment of service to be returned to us. We understand COVID restrictions may affect logistics which is the reason I asked about access in this morning's email. If you want to suggest different form of service, as long as it doesn't affect validity of service, let us know & we will try to figure it out.

Sent from my iPhone

On May 7, 2021, at 2:17 PM, Butler, Wendy C. <[wbutler@jonesday.com](mailto:wbutler@jonesday.com)> wrote:

I will check with my client, but can we talk briefly first? I want to confirm the details of how you plan to serve. Are you contemplating service by mail under CPLR § 312-a, where you would mail an acknowledgement of service to me which I would return to you? If you had something else in mind, the logistics may be a little different, particularly with the COVID restrictions.

Wendy Butler  
Partner  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
250 Vesey Street  
New York, New York 10281-1047  
Office +1.212.326.7822  
Cell +1.347.756.2522

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**From:** Cynthia Rollings <[CRollings@BLHNY.com](mailto:CRollings@BLHNY.com)>  
**Sent:** Friday, May 7, 2021 10:24 AM  
**To:** Butler, Wendy C. <[wbutler@JonesDay.com](mailto:wbutler@JonesDay.com)>  
**Cc:** Luna Droubi <[LDroubi@BLHNY.com](mailto:LDroubi@BLHNY.com)>  
**Subject:** Re: Fred Mogul

**\*\* External mail \*\***

Wendy-

Please advise whether you will accept service of process on behalf of New York Public Radio, WNYC and Audrey Cooper. If so, please advise re access to Jones Day at 250 Vesey Street.

Cynthia

Sent from my iPhone

[REDACTED]

[REDACTED]

[REDACTED]  
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[REDACTED]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

FRED MOGUL,

Plaintiff,

-v-

NEW YORK PUBLIC RADIO; WNYC;  
and AUDREY COOPER,

Defendants.

---

**Index No. 652968/2021**

**ACKNOWLEDGEMENT  
OF RECEIPT OF  
SERVICE**

I received the summons and notice, Notice of Electronic Filing and Confirmation Notice  
in the above-captioned matter at 250 Vesey Street, New York, NY 10281-1047.

PLEASE CHECK ONE OF THE FOLLOWING;

IF 2 IS CHECKED, COMPLETE AS INDICATED:

1. // I am not in military service.

2. // I am in military service, and my rank and branch of service are as follows:

Rank:.....

Branch of Service:.....

TO BE COMPLETED REGARDLESS OF MILITARY STATUS:

.....

Dated May\_\_\_\_, 2021

I affirm the above as true under penalty of perjury.

Signature:\_\_\_\_\_

Print Name:\_\_\_\_\_

Name of Defendants: New York Public Radio  
WNYC  
Audrey Cooper

Position with Defendants: Attorney for Defendants

PLEASE COMPLETE ALL BLANKS INCLUDING DATES

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

FRED MOGUL,

Plaintiff,

-v-

NEW YORK PUBLIC RADIO; WNYC;  
and AUDREY COOPER,

Defendants.

Index No.

**SUMMONS WITH NOTICE**

Plaintiff designates New York  
County as the County of Venue

Venue is based upon location of  
defendants' principal office

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance upon plaintiff's attorneys, at the address stated below, and to do so within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

The action will be heard in the Supreme Court of the State of New York in and for the County New York. This action is brought in New York County because it is the location of defendants' principal office and the place in which the actions giving rise to the claims took place.

Dated: May 5, 2021  
New York, New York

By: 

Cynthia Rollings  
Luna Droubi  
Rebecca Pattiz  
BELDOCK LEVINE & HOFFMAN LLP  
Attorneys for Plaintiff  
99 Park Avenue, PH/26<sup>th</sup> Floor  
New York, New York 10016  
t: 212-277-5813  
[crollings@blhny.com](mailto:crollings@blhny.com)

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/05/2021

To: Defendants  
New York Public Radio  
WNYC  
Audrey Cooper  
c/o NEW YORK PUBLIC RADIO  
160 Varick Street, 8<sup>th</sup> Floor  
New York, New York 10013



## NOTICE

Nature of the Action: This is an action asserting the following claims arising from plaintiff's termination from New York Public Radio and WNYC on February 5, 2021: wrongful termination; violation of New York Labor Law §190 *et seq.*, arising from denial of severance pay and severance benefits; defamation and slander arising from false and defamatory statements made and published to third parties about plaintiff by defendant Audrey Cooper without privilege with malice or reckless disregard causing harm; breach of contract; breach of implied covenant of good faith and fair dealing; and intentional infliction of emotional distress.

Relief Sought: Plaintiff seeks judgment declaring that defendants' acts complained of herein violated plaintiff's rights; severance pay in the amount of 2 weeks pay per year of employment in the amount of \$69,954; severance benefits in the form of health and retirement plan contributions; compensatory damages to compensate for loss of employment and economic loss, including back pay and future lost earnings and benefits, damage to name, career and reputation, pain and suffering, emotional distress and mental anguish; punitive damages; liquidated damages under New York Labor Law § 198 in the amount of 25% of severance pay and benefits; attorneys' fees under New York Labor Law § 198 together with costs and interest; and such additional relief as may be just and proper.

Should defendants fail to appear herein, judgment will be entered by default for severance pay in the amount of \$69,954, plus liquidated damages in the amount of \$17,488, together with the value of severance benefits and other damages to be determined by a jury at inquest.

Plaintiff designates New York County as the place of trial. Venue is proper as because it is the location of defendants' principal office and the place in which the actions giving rise to the claims took place.

Dated: May 5, 2021  
New York, New York

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X  
FRED MOGUL

Plaintiff/Petitioner,

- against -

Index No.652968/2021

NEW YORK PUBLIC RADIO; WNYC; and  
AUDREY COOPER

Defendant/Respondent.

-----X

**NOTICE OF ELECTRONIC FILING  
(Consensual Case)  
(Uniform Rule § 202.5-b)**

**You have received this Notice because:**

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: May 7, 2021

Cynthia Rollings

Name

Beldock Levine & Hoffman LLP

Firm Name

99 Park Ave, PH, 26th Floor

Address

New York, NY 10016

212-490-0400

Phone

[crollings@blhny.com](mailto:crollings@blhny.com)

E-Mail

To: New York Public Radio

WNYC

Audrey Cooper

6/6/18



# NYSCEF - New York County Supreme Court

## Confirmation Notice



The NYSCEF website has received an electronic filing on 05/05/2021 01:15 PM. Please keep this notice as a confirmation of this filing.

**Index Number NOT assigned**  
**Fred Mogul v. New York Public Radio et al**  
**Assigned Judge: None Recorded**

### Documents Received on 05/05/2021 01:15 PM

Doc #	Document Type
1	SUMMONS WITH NOTICE

### Filing User

Cynthia Rollings | crollings@blhny.com | 212-277-5813  
99 Park Avenue, Ph/26th Floor, New York, NY 10016

### E-mail Notifications

An email regarding this filing has been sent to the following on 05/05/2021 01:15 PM:

**CYNTHIA ROLLINGS - crollings@blhny.com**

### Email Notifications NOT Sent

Role	Party	Attorney
Respondent	New York Public Radio	No consent on record.
Respondent	WNYC	No consent on record.
Respondent	Audrey Cooper	No consent on record.

\* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

---

**Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court**

Phone: 646-386-5956 Website: [http://www.nycourts.gov/courts/1jd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/1jd/supctmanh/county_clerk_operations.shtml)

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**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)



# NYSCEF - New York County Supreme Court

## Confirmation Notice

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**Index Number NOT assigned**  
**Fred Mogul v. New York Public Radio et al**  
**Assigned Judge: None Recorded**

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**Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court**

Phone: 646-386-5956 Website: [http://www.nycourts.gov/courts/ljd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/ljd/supctmanh/county_clerk_operations.shtml)

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**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

652968/2021

Index No.

Year 20

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

FRED MOGUL

Plaintiff

-v-

NEW YORK PUBLIC RADIO; WNYC;  
and AUDREY COOPER,

Defendants.

**SUMMONS WITH NOTICE**

**BELDOCK LEVINE & HOFFMAN LLP**

Attorneys for

Plaintiff

99 PARK AVENUE  
NEW YORK, N.Y. 10016  
(212) 490-0400

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: 5/7/2021

Signature

Print Signer's Name Luna Droubi

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

**PLEASE TAKE NOTICE**

Check Applicable Box

NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within-named Court on

20

NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. , one of the judges of the within-named Court,  
at  
on 20 , at M.

Dated:

**BELDOCK LEVINE & HOFFMAN LLP**

Attorneys for

To:

99 PARK AVENUE  
NEW YORK, N.Y. 10016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

FRED MOGUL,

Plaintiff,

-v-

**Index No. 652968/2021**

**STATEMENT OF SERVICE BY MAIL**

NEW YORK PUBLIC RADIO; WNYC;  
and AUDREY COOPER,

Defendants.

---

To: JONES DAY  
250 Vesey Street  
New York, New York 10281-1047  
*Attorneys for Defendants*

The enclosed summons and notice, Notice of Electronic Filing and Confirmation Notice, are served pursuant to section 312-a of the Civil Practice Law and Rules. Defendants, by their attorneys Jones Day, have agreed to accept such service and have agreed to sign and complete the Acknowledgement of Receipt of Service and mail or deliver the completed form to the sender within thirty (30) days of receipt.

To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgment part of this form and mail or deliver one copy of the completed form to the sender within thirty (30) days from the date you receive it. You should keep a copy for your records or your attorney. If you wish to consult an attorney, you should do so as soon as possible before the thirty (30) days expire.

If you do not complete and return the form to the sender within thirty (30) days, you (or the party on whose behalf you are being served) will be required to pay expenses incurred in serving the summons and complaint, or summons and notice, or notice of petition and petition in any other manner permitted by law, and the cost of such service as permitted by law will be entered as a judgment against you.

If you have received a complaint or petition with this statement, the return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint or petition. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgement.